

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

PAMELA F. BEILER,

Plaintiff,

v.

**CASE NO.: 1:13cv869
(TDS/JEP)**

GC SERVICES, L.P.,

Defendant.

**MOTION TO AMEND JOINT RULE 26(f) REPORT
TO EXTEND THE DUE DATES FOR RETAINED EXPERTS REPORTS**

COMES NOW Plaintiff, Pamela F. Beiler ("Plaintiff"), by counsel, pursuant to Federal Rules of Civil Procedure 6(b)(1)(A) and Local Rule 7.3(j), and moves this Court for an order amending the Joint Rule 26(f) Report (Dkt. #11), previously approved by this Court's Order dated January 15, 2014 (Dkt. #12) and amended by this Court's Order dated April 29, 2014 (Dkt. # 16) to extend the due dates for reports from retained experts under Rule 26(a)(2) without date pending the resolution of an anticipated motion to compel discovery pertaining to Defendant's failure to produce documents responsive to Plaintiff's Requests for Production Nos. 9-18.

The due date for Plaintiff's report from retained experts is today, May 15, 2014, but such a report may not be prepared in the absence of the information contained in the documents which Defendant has failed and refused to produce. The requested documents include the following:

Requests 9 -12¹: All documents evidencing the manufacturer, vendor, supplier, make, model, serial number and/or any other identifying information regarding any computer, Automatic Telephone Dialing System or other telephone dialing system, Automatic Dial Announcing Device or other dial announcing device, Predictive Dialer, Progressive Dialer, Preview Dialer or other dialer and/or other equipment that was used or that may have been used to make telephone calls by or on behalf of GCS from telephone number 713-300-5500 and/or telephone number 713-300-2869 and/or from any other number to telephone number 919-538-1563 during the period October 1, 2009, through March 31, 2010, inclusive, or any part thereof.

Requests 13 and 14: All documents (including but not limited to user and operation manuals and guides) evidencing or relating to the specifications, manner of use or operation, capacities and/or capabilities of any computer, Automatic Telephone Dialing System or other telephone dialing system, Automatic Dial Announcing Device or other dial announcing device, Predictive Dialer, Progressive Dialer, Preview Dialer or other dialer and/or other equipment that was used or that may have been used, with or without associated software, to make telephone calls by or on behalf of GCS to telephone number 919-538-1563 during the period October 1, 2009, through March 31, 2010, inclusive, or any part thereof.

Requests 15 and 16: All documents evidencing the developer, manufacturer, vendor, supplier, name, version, serial number and/or any other identifying information regarding any software that was used or that may have been used, in conjunction with any computer, Automatic Telephone Dialing System or other telephone dialing system, Automatic Dial Announcing

¹In the interest of brevity, where possible multiple similar requests have been combined into one for purposes of their insertion into this motion

Device or other dial announcing device, Predictive Dialer, Progressive Dialer, Preview Dialer or other dialer and/or other equipment, to make telephone calls by or on behalf of GCS to telephone number 919-538-1563 during the period October 1, 2009, through March 31, 2010, inclusive, or any part thereof.

Requests 17 and 18: All documents (including but not limited to user and operation manuals and guides) evidencing and/or relating to the specifications, manner of use or operation, capacities and/or capabilities of any software that was used or that may have been used, in conjunction with any computer, Automatic Telephone Dialing System or other telephone dialing system, Automatic Dial Announcing Device or other dial announcing device, Predictive Dialer, Progressive Dialer, Preview Dialer or other dialer and/or other equipment, to make telephone calls by or on behalf of GCS to telephone number 919-538-1563 or telephone number 919-538-4711 during the period October 1, 2009, through March 31, 2010, inclusive, or any part thereof.

The trial of this matter is set for April 6, 2015, and will not be impacted by the requested change to the Joint Rule 26(f) Report.

A proposed order for this motion is attached.

WHEREFORE, Plaintiff, by counsel, hereby requests that this Court enter an Order granting Plaintiff's Motion to Amend Joint Rule 26(f) Report as requested herein.

PAMELA F. BEILER

Date: May 15, 2014 By: /s/ William L. Downing
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CERTIFICATE OF SERVICE

I certify that on May 15, 2014, the foregoing was electronically filed with the Court's CM/ECF System, which will issue a Notice of Electronic Filing ("NEF") to counsel of record for every party whose counsel of record are registered to receive NEFs through the Court's CM/ECF System as set out below. I further certify that every party to this action has at least one counsel of record registered to receive NEFs in this action.

/s/ William L. Downing
William L. Downing, VSB # 17704